



**TOWN OF MANSFIELD  
TOWN COUNCIL MEETING  
October 26, 2015  
COUNCIL CHAMBERS  
AUDREY P. BECK MUNICIPAL BUILDING  
7:30 p.m.  
AGENDA**

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**EXECUTIVE SESSION**

16. Strategy and Negotiations with Respect to Pending Claims or Litigation, in accordance with CGS §1-200(6)(B)

**ADJOURNMENT**

REGULAR MEETING – MANSFIELD TOWN COUNCIL  
October 13, 2015  
DRAFT

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chamber of the Audrey P. Beck Building.

I. ROLL CALL

Present: Kessler, Kochenburger, Marcellino, Moran, Paterson, Raymond, Ryan, Shapiro, Wassmundt

II. APPROVAL OF MINUTES

Mr. Ryan moved and Ms. Raymond seconded to approve the minutes of the September 28, 2015 special meeting, as presented. The motion passed unanimously. Ms. Moran moved and Mr. Ryan seconded to approve the minutes of the September 28, 2015 regular meeting, as presented. The motion passed unanimously.

III. PUBLIC HEARING

1. Public Hearing on the Ordinance Regarding the Storage, Disposal, or Use of Fracking Water or any Derivative Thereof in the Town of Mansfield

The Town Clerk read the legal notice.

Gary Bent, Mansfield Hollow Road, thanked those who solicited the petition signatures and those who signed. Mr. Bent addressed the concerns raised by Council members at the last meeting and urged passage of the ordinance (Statement and memorandum attached)

Peter Millman, Dog Lane, spoke in support of the ordinance stating that the Town's action might help affect State regulations.

Leigh Duffy, Crane Hill Road, spoke in support of the ordinance stating that it is important for the Town to send a message to the State.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Ric Hossack, Middle Turnpike, questioned the use of the FY2014/15 surplus and the source of the Town's portion of the parking garage overrun.

V. REPORT OF THE TOWN MANAGER

In addition to his written report the Town Manager offered the following comment in response to questions raised during public comment:

- The Town Manager explained that given the timing and uncertainty of the state budget process it is often difficult to predict revenues. Staff recommended the FY 2014/15 surplus be used for capital and related expenses. The recommendation was endorsed by the Finance Committee to the Council.

Ms. Moran moved and Mr. Shapiro seconded to move Items 5 and 6 as the next items of business. The motion passed unanimously.

VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

October 13, 2015

Ms. Moran commended the Public Works Department on their meeting with residents regarding Ravine Road.

Mayor Paterson encouraged those listening to consider working at the polls. The Registrars of Voters are looking for workers for the November 3, 2015 and subsequent elections. They can be reached at 860-429-3368.

Mr. Ryan announced his intentions to advocate for the formation of a task force which, in conjunction with Ashford and Willington, would study changing the hours of the high school to allow more time for students to sleep in the morning.

## VII. OLD BUSINESS

2. Petition for an Ordinance Regarding the Storage, Disposal, or Use of Fracking Water or any Derivative Thereof in the Town of Mansfield

By consensus the Council requested Mr. Bent be allowed to address Councilors' questions. Members discussed the role of UConn and the Department of Transportation in determining what materials are used on the roads and processed through their treatment plants and asked that staff try to obtain the information directly from those entities.

The Town Manager reported that the Town Attorney's report will be in the packet for the October 26, 2015 meeting as will the Public Works Director's response to Councilors' questions.

3. Storrs Center Update

The Town Manager reported that progress continues on Phase II, on the pre-school, and the Main Street Homes. Mr. Hart also addressed the Town's share of the parking garage overrun stating that the Town's portion will be reimbursed from future tax revenues from Storrs Center beginning next fiscal year.

4. Community Water and Wastewater Issues

Connecticut Water Company continues to work on installation of the pipes. Mr. Hart reported that the sewer project is currently undergoing DEEP review and a proposed successor sewer agreement will be brought before the Council later this year.

## VIII. NEW BUSINESS

5. Proclamation in Recognition of Winston W. Hawkins

Mr. Ryan moved and Mr. Shapiro seconded, to authorize the Mayor to issue the attached Proclamation in Recognition of Winston W. Hawkins. The motion passed unanimously.

Mayor Paterson presented Mr. Hawkins with his proclamation and thanked him for his many years of service to the Town. (Proclamation attached)

6. Proclamation in Recognition of Philip P. Barry

Mr. Shapiro moved and Mr. Ryan seconded, to authorize the Mayor to issue the attached Proclamation in Recognition of Philip P. Barry.

Mayor Paterson presented Mr. Barry with his proclamation and thanked him for his service to the Town in so many capacities. (Proclamation attached)

October 13, 2015

7. Amendments, Ordinances, Policies and Procedures re Alcoholic Beverages, Dog Waste Control, the Mansfield Town Square, and Streets and Sidewalks.

Mr. Shapiro moved and Ms. Moran seconded, to refer the proposed amendments to the Alcohol Beverages Ordinance, the proposed Dog Waste Control Ordinance, the proposed Mansfield Town Square Ordinance, the proposed policies and procedures regarding the Town Square, and the proposed amendments to the Streets and Sidewalks Ordinance to an Ad hoc Ordinance Development Review Committee, for the purpose of making a recommendation to the Council on the aforementioned amendments, ordinances, policies and procedures.

The motion passed unanimously.

Members discussed the process, timing of the public hearing, and concerns about first amendment protections.

Mr. Shapiro moved and Ms. Raymond seconded to approve the following members as the Ad hoc Ordinance Development Review Committee: Mr. Kegler, Mr.

Kochenburger, Ms. Moran, Ms. Raymond and Mr. Shapiro.

The motion passed unanimously.

8. Veterans Day Ceremonial Presentation Planning

Mr. Shapiro suggested the Town Manager present a version of his remarks regarding conflict resolution presented at a Memorial Day event a few years ago.

By consensus the Council agreed to ask Mr. Hart to make a presentation. He agreed to do so.

#### IX. REPORTS OF COUNCIL COMMITTEES

Finance Committee Chair Bill Ryan reported the Committee accepted the Finance Director's recommendation for a consultant for the fraud risk assessment. The consultant will be CohnReznick.

Committee on Committees Chair Peter Kochenburger offered the following recommendations for approval:

The appointment of Elizabeth Paterson to citizen position on the University/Town Relations Board, effective November 4, 2015, for a term ending March 3, 2016.

The appointment of Dexter Eddy as a Commissioner (currently a Resident Commissioner) to the Mansfield Housing Authority for a term ending on 10/31/2016.

The appointment of Donald Hundt as the Resident Commissioner to the Mansfield Housing Authority with a term ending on 10/31/2017

The reappointment of Richard Long as a Commission to the Mansfield Housing Authority for a term ending 10/31/2020

The appointment of Nancy Rawn and Susan Mitchell to the Agriculture Committee for terms ending 10/13/2016

The reappointment of Alan Cyr and Brian Kielbania to the Agriculture Committee for terms ending 10/13/2017

The reappointment of Ed Hall as an alternate on the Agriculture Committee for a term ending 10/12/2016

The motion to approve passed unanimously.

October 13, 2015

X. DEPARTMENTAL AND COMMITTEE REPORT

No comments offered.

XI. PETITIONS, REQUESTS AND COMMUNICATIONS

9. J. Welsh re: Clarification of Sewer System Ordinances - Ms. Wassmundt asked for clarification as to whether or not residential properties will be required to connect to sewers. Mr. Hart noted that there are a number of options available to the WPCA which are currently being reviewed by the Four Corners Water and Sewer Advisory Committee. He will send a link to proposed regulations to Council members.

10. FOIC re: Notice of Final Decision

11. Press Release – Education Secretary Arne Duncan Announces 2015 National Blue Ribbon Schools

12. Mansfield Minute – October 2015

13. Monstrous Mansfield – Halloween Happenings

14. Connecticut Department of Consumer Protection re: Concrete Foundations; Information and Quick Facts

XII. FUTURE AGENDAS

Ms. Raymond requested a status report on her request for a forecast of tax revenues for Storrs Center at full build out. Mr. Hart commented that staff is working on the information and expects to be able to provide estimated figures in late November.

Ms. Moran suggested the Committee on Committees consider creating standards for the recognition of volunteers.

Ms. Moran moved and Mr. Shapiro seconded to recess as the Council and convene in executive session to discuss the sale or purchase of real property, in accordance with CGS§1-200(6)(D) and personnel in accordance with Connecticut General Statutes §1-200(6)(a), Town Manager Performance Review. The Town Manager will be included in both sessions.

The motion passed unanimously.

XIII. EXECUTIVE SESSION

Present: Kegler, Kochenburger, Marcellino, Moran, Paterson, Raymond, Ryan, Shapiro, Wassmundt

Also Attending: Town Manager Matt Hart

Sale or purchase of real property, in accordance with CGS§1-200(6)(D)

Personnel in accordance with Connecticut General Statutes §1-200(6)(a), Town Manager Performance Review

XIV. ADJOURNMENT

The Council reconvened in regular session. Ms. Moran moved and Mr. Ryan seconded to adjourn the meeting at 9:32 p.m. Motion passed unanimously.

Elizabeth C. Paterson, Mayor

Mary Stanton, Town Clerk

October 13, 2015

First I want to thank all the people who worked on getting signatures for this ordinance and all the people who signed it.

There were concerns by the Council about the ordinance that were raised at the last meeting. Two of them were the intentions of UConn concerning fracking waste, in particular whether their hazardous waste facility would accept it and would it be used on their roads. I have a memorandum for record about these concerns. [read memorandum].

Another question was whether the ordinance would prohibit fracking for water. I believe the ordinance is very clear that it pertains to fracking waste from oil and gas fracking. I read about fracking for water online. Operators don't drill as deep for water and don't use a chemical cocktail in the high pressure water. Only fresh water is used.

Mansfield does not have a hazardous waste facility so waste water would not come here. However, if hazardous waste facilities were allowed to take fracking waste, the products of their decontamination could find its way into deicer for roads. There are also solid forms of fracking waste such as sludges and drill cuttings. The drill cuttings are radioactive and the sludges contain radioactive materials and carcinogenic chemicals. The drill cuttings have been used for road base construction in other states. I urge you to pass this ordinance.

Submitted by Gary Bent 10/13/15

## Memorandum of Record

Re: Conversation with Stefan Wawzynicki, Director of Environmental Health and Safety,  
University of Connecticut

I talked to Mr. Wawzynicki on Thursday, October 8, 2015 about UConn's policies on the possible use of fracking waste at the hazardous waste facility and on the roads at the University of Connecticut. He said that State law forbids UConn from accepting hazardous waste from any outside source. They can only treat hazardous waste generated at UConn.

As for the use of the products of fracking waste on UConn's roads, he said that since UConn is a State university, the roads are State roads. They treat the roads, but any products they use on the roads is dictated by Department of Transportation. Furthermore, they get the products from the Department of Transportation. They have no control on what is used.



Gary D. Bent



*Town of Mansfield*

*Proclamation in Recognition of Winston W. Hawkins*

*Whereas*, Mr. Hawkins has dutifully served the Town of Mansfield for 48 years as a member of the Mansfield Cemetery Committee; and

*Whereas*, the duties and responsibilities of the Cemetery Committee are important to the overall affairs of the Town of Mansfield; and

*Whereas*, on October 22, 1973 Mr. Hawkins was appointed as one of seven original members to the Cemetery Committee; and

*Whereas*, at the time of his original appointment, Mr. Hawkins served as the president/sexton of the Mansfield Union Burial Corporation (MBUC) and continued to serve as its president until the MBUC was dissolved in October 1992; and

*Whereas*, the proper maintenance of our cemeteries is an important responsibility for the Town and the community has greatly benefitted from Mr. Hawkins' long-time service; and

*Whereas*, Mr. Hawkins raised his wonderful family in Mansfield.

NOW, THEREFORE, BE IT RESOLVED, that I, Elizabeth C. Paterson, Mayor of Mansfield, Connecticut, do hereby express our appreciation and gratitude to Winston W. Hawkins for his outstanding service to the community.

*IN WITNESS WHEREOF*, I have set my hand and caused the seal of the Town of Mansfield to be affixed on this 13<sup>th</sup> day of October in the year 2015.

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Elizabeth C. Paterson, Mayor  
Town of Mansfield



*Town of Mansfield  
Proclamation in Recognition of Philip P. Barry*

*Whereas*, Mr. Barry has dutifully served the Town of Mansfield for many years in a multitude of capacities, including the Town Council and the Transportation Advisory Committee from 1995 – 1999; the Town-University Relations Committee from 1995 – 2014; the Mansfield Downtown Partnership (MDP) Board of Directors from 2001-2003; the MDP Finance and Administration Committee from 2002-2015; the MDP Organizing Committee in 2001; and as a Citation Hearing Officer and a Zoning Citation Hearing Officer since 2002; and

*Whereas*, as the Associate Athletic Director at the University of Connecticut, Mr. Barry was renowned by his colleagues for his wit and became an inspiration and mentor to many; and

*Whereas*, Mr. Barry, a long-time resident and civic-minded citizen of the Town of Mansfield continues to share his positive outlook on life; and

*Whereas*, Mr. Barry's respect and outreach to young adults has helped to facilitate healthy communication between the University of Connecticut and the Town of Mansfield leading to a better quality of life for residents, university students, faculty and staff.

NOW, THEREFORE, BE IT RESOLVED, that I, Elizabeth C. Paterson, Mayor of Mansfield, Connecticut, do hereby express our appreciation and gratitude to Philip P. Barry for his outstanding service to the community.

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Mansfield to be affixed on this 13<sup>th</sup> day of October in the year 2015.*

\_\_\_\_\_  
Elizabeth C. Paterson, Mayor  
Town of Mansfield



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant Town Manager; Mary Stanton, Town Clerk  
**Date:** October 26, 2015  
**Re:** Ordinance Regarding the Storage, Disposal or Use of Fracking Waste or any Derivative Thereof in the Town of Mansfield, Connecticut

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**Subject Matter/Background**

At the October 13, 2015 meeting the Town Council conducted a public hearing on the proposed Ordinance Regarding the Storage, Disposal, or Use of Fracking Waste or any Derivative Thereof in the Town of Mansfield, Connecticut.

Section §C310 of the Mansfield Charter outlines the process for voter-initiated ordinances. The Charter states that within 60 days (on or before November 15, 2015) of the Town Clerk's certification the Council must either adopt the proposed ordinance or submit the same to the voters at a referendum to be held within 90 days (on or before December 15, 2015) from the date of the Clerk's certification. If a majority of those voting, consisting of at least 15% of the total number of voters as determined on the revised registry list last completed, vote in the affirmative, the ordinance is adopted.

Council has requested the following information from staff:

- 1) *Report from Director of Public Works re: the department's ability to ensure that products used on roads comply with the ordinance.* Director of Public Works John Carrington has stated that the Public Works Department does NOT use salt brine (liquid salt) as a deicer on our roads. Further, Mr. Carrington will ensure that any liquid salt used for dust control or to compact an existing gravel road or a road base during full depth reclamation construction is NOT derived from fracking waste.
- 2) *Assurance the proposed ordinance would not prohibit fracking in the process of installing regular water wells.* "Hydraulic fracturing" means the process of pumping a fluid underground to create fractures in rock for exploration, development, production, or recovery of oil or gas. Hydraulic fracturing does not include drilling of geothermal water wells or any other well drilled for drinking water (see Public Act No 14-200 attached).

- 3) *Information on existing and future plans of UConn and DEEP for use of fracking waste on roads.* UCONN Environmental Compliance Officer Jason Coite has informed Town staff that the University does not use fracking waste as a deicer. All contractors that apply deicer must use materials supplied by UCONN. Mr. Coite also points out that in 2014 the state legislature imposed a moratorium on the disposal or use of any fracking waste in CT until such time as the Department of Energy and Environmental Protection (DEEP) develops regulations. The act, PA 14-200, creating CGS §22a-472, sets the expectation that DEEP will present draft regulations to the legislative regulation review committee sometime between July 2017 and July 2018. The same public act requires DEEP in its future regulations to either prohibit fracking waste usage on roads or to develop a permitting process.
  
- 4) *Information on the operation of UCONN wastewater treatment plant with regard to any fracking waste or derivative.* Mr. Coite from UCONN reports that PA 14-200 also prohibits water pollution control facilities from accepting fracking waste or its derivatives until state regulations are developed. In addition, the UCONN wastewater treatment plant can only receive waste through the piped collection system and does not have the ability to accept trucked-in wastewater. UCONN does not have any plans to equip the plant with the appurtenances necessary to receive any kind of trucked-in wastewater.

**Financial Impact**

If the proposed ordinance is approved, staff will need to enforce the terms of the provision through the Town's procurement process.

**Legal Review**

The Town Attorney has issued the attached opinion and has suggested edits to the ordinance consistent with his authority set out in the Town Charter. Attorney Deneen will attend the October 26<sup>th</sup> Council meeting and can address any questions that Council may have.

**Recommendation**

If the Town Council wishes to adopt the proposed ordinance in the form recommended by the Town Attorney, the following motion would be in order:

*Move, to approve the proposed Ordinance Prohibiting the Storage, Disposal or Use of Fracking Waste or any Products or By-products Thereof in the Town of Mansfield, Connecticut, which ordinance shall be effective 21 days after publication in a newspaper having circulation within the town of Mansfield.*

**Attachments**

- 1) K. Deneen re: Proposed Ordinance re the Storage, Disposal or Use of Fracking Waste in the Town of Mansfield

- 2) Text of Ordinance, with changes
- 3) Text of Ordinance, clean copy
- 4) Public Act No. 14-200
- 5) OLR Research Report, Transport, Storage and Disposal of Fracking Waste

O'MALLEY, DENEEN, LEARY, MESSINA & OSWECKI

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(1940-2000)

October 21, 2015

Mr. Matthew W. Hart, Town Manager  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, Connecticut 06268-2599

Re: Proposed Ordinance regarding the Storage, Disposal or Use of Fracking Waste in the Town of Mansfield

Dear Matt:

Pursuant to Section C310.B of the Mansfield Town Charter, I have reviewed the proposed Ordinance regarding the Storage, Disposal or Use of Fracking Waste in the Town of Mansfield.

I have made minor changes in the language to bring it in to conformity with the requirements of the Town's Charter and the General Statutes. I have attached both a red-lined version with comments and a final version to this opinion.

As you are aware, the Charter permits the voters of the Town of Mansfield to propose through the initiative process ordinances to be adopted by the Town Council. Section C310. The Charter then provides that the Town Attorney "shall have authority to correct its form for the purpose of avoiding inconsistencies, repetitions, obscurities, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clarity and precision in its phraseology." The most serious potential issue presented by this proposed ordinance is one of preemption, i.e., has the State of Connecticut taken regulatory or statutory actions such that the Town is prohibited from exercising its powers in this same field.

In 2014, the Connecticut General Assembly enacted P.A. 14-200, codified as Section 221-472 of the General Statutes. In this Act, the legislature established a moratorium on certain hydraulic fracturing ("fracking") activities. The Public Act provides that no "person may accept, receive, collect, store, treat, transfer or dispose of" fracking waste products until the Department of Energy and Environmental Protection issues regulations regarding the same. (C.G.S. Section 22a-472(b)). The DEEP is required to submit proposed regulations prior to July 1, 2018.

In reviewing the Public Act, its legislative history and the proposed ordinance, it is my opinion that, at present, the Town of Mansfield is not preempted from enacting ordinances in this field. It is important to note however that this opinion is subject to revision, should the State of

Connecticut through those anticipated regulations choose to fully occupy the field in regulating the storage, disposal or use of fracking waste.

I also note that the proposed ordinance regulates the “application of natural gas waste or oil waste ... on any road or real propertied located within the Town.” (Proposed Ordinances Section 1.1) The proposed ordinance does not prohibit the transportation on state of local roads of the proposed regulated waste. It is highly likely that any attempt to prohibit the transportation of such waste would run afoul of the federal Constitution’s Commerce Clause (Article 1, Section 8, Clause 3.)

Please feel free to contact me with any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin M. Deneen', with a long horizontal stroke extending to the right.

Kevin M. Deneen

KMD/llc  
Enclosures

# TOWN OF MANSFIELD

## ORDINANCE REGARDING ~~PROHIBITING THE STORAGE, DISPOSAL OR USE OF FRACKING WASTE OR ANY DERIVATIVE PRODUCTS OR~~ BY-PRODUCTS THEREOF IN THE TOWN OF MANSFIELD, CONNECTICUT.

Commented [A1]: The definitions set forth in proposed Section 5 reference "any products or byproducts" rather than "derivative".

FOR ENACTMENT AT THE TOWN MEETING CONVENED FOR \_\_\_\_\_ (date TBD) \_\_\_\_\_

### Section 1. Prohibitions

1. The application of natural gas waste or oil waste, whether or not such waste has received approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
2. The Introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
4. The sale, acquisition, storage, handling, treatment and/or processing of natural gas waste or oil waste within the Town is prohibited.

### Section 2. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town.

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
2. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Mansfield. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or

vendor agent thereof apply any natural gas waste or oil waste to any road or real property with the Town of Mansfield as a result of the submittal of this bid if selected.”

### Section 3. Penalties

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. The Town is empowered to issue “Cease and Desist” orders in case of any violation of the Prohibitions and Provision stated above in Sections 1 and 2. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, water course, air quality or other asset, be it public or private, within the Town of Mansfield. It may impose fines in any amounts it deems necessary with any and all infractions against this ordinance.

### Section 4. Effective Date

Within ten (10) days after the final passage ~~of this~~ the ordinance, ~~it~~ shall be published in its entirety in a newspaper having general circulation within the town. It shall become effective on the twenty-first (21st) day after such publication following its final passage.

### Section 5. Definitions

1. As used in this Ordinance the term “hydraulic fracturing” shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. As used in this Ordinance the term “natural gas extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing
3. As used in this Ordinance the term “oil extraction activities” shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. As used in this Ordinance the term “natural gas waste” shall mean: a. any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b. leachate from solid wastes associated with natural gas extraction activities; c. any waste that is generated as a result of or in association with the underground storage of natural gas; d. any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
5. As used in this Ordinance the term “oil waste” shall mean: a. any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b. leachate from solid wastes associated with oil extraction activities; and c. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. As used in this Ordinance the term “application” shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Mansfield

7. As used in this Ordinance the term Town shall mean the Town of Mansfield.

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# TOWN OF MANSFIELD

## ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF FRACKING WASTE OR ANY PRODUCTS OR BY-PRODUCTS THEREOF IN THE TOWN OF MANSFIELD, CONNECTICUT.

FOR ENACTMENT AT THE TOWN MEETING CONVENED FOR \_\_\_\_\_ (date TBD) \_\_\_\_\_

### **Section 1. Prohibitions**

1. The application of natural gas waste or oil waste, whether or not such waste has received approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
2. The Introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
4. The sale, acquisition, storage, handling, treatment and/or processing of natural gas waste or oil waste within the Town is prohibited.

### **Section 2. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town.**

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
2. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
3. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Mansfield. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property with the Town of Mansfield as a result of the submittal of this bid if selected."

### **Section 3. Penalties**

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. The Town is empowered to issue "Cease and Desist" orders in case of any violation of the Prohibitions and Provision stated above in Sections 1 and 2. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, water course, air quality or other asset, be it public or private, within the Town of Mansfield. It may impose fines in any amounts it deems necessary with any and all infractions against this ordinance.

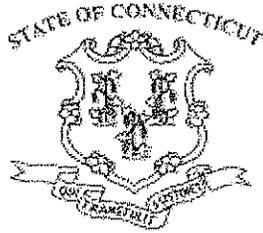
### **Section 4. Effective Date**

Within ten (10) days after the final passage of this ordinance, it shall be published in its entirety in a newspaper having general circulation within the town. It shall become effective on the twenty-first (21st) day after such publication following its final passage.

### **Section 5. Definitions**

1. As used in this Ordinance the term "hydraulic fracturing" shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
2. As used in this Ordinance the term "natural gas extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing
3. As used in this Ordinance the term "oil extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.
4. As used in this Ordinance the term "natural gas waste" shall mean: a. any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b. leachate from solid wastes associated with natural gas extraction activities; c. any waste that is generated as a result of or in association with the underground storage of natural gas; d. any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
5. As used in this Ordinance the term "oil waste" shall mean: a. any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b. leachate from solid wastes associated with oil extraction activities; and c. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
6. As used in this Ordinance the term "application" shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Mansfield
7. As used in this Ordinance the term Town shall mean the Town of Mansfield.

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*Senate Bill No. 237*

*Public Act No. 14-200*

**AN ACT PROHIBITING THE STORAGE OR DISPOSAL OF FRACKING WASTE IN CONNECTICUT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22a-472 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For the purposes of this section:

(1) "Dispose" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste, or any constituent of such waste, may enter the environment, be emitted into the air or discharged into any waters of the state;

(2) "Fluid" means any material or substance that flows or moves whether in semisolid, liquid, sludge, gas or any other form or state;

(3) "Gas" means all natural gas, whether hydrocarbon or nonhydrocarbon, including, but not limited to, hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen and casinghead gas;

(4) "Hydraulic fracturing" means the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock for exploration, development, production or recovery of gas. "Hydraulic fracturing" does not include the drilling or repair of a geothermal water well or any other well drilled or repaired for drinking water purposes;

(5) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state;

(6) "Radioactive materials" means any material, solid, liquid or gas, including, but not limited to, waste that emits ionizing radiation spontaneously;

(7) "Store" means holding waste for a temporary period, at the end of which the waste is treated, disposed of or stored elsewhere;

(8) "Transfer" means to move from one vehicle to another or to move from one mode of transportation to another;

(9) "Treat" means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste, including, but not limited to, the reclaiming or rendering of waste from hydraulic fracturing as suitable for use or reuse; and

(10) "Waste from hydraulic fracturing" means any wastewater, wastewater solids, brine, sludge, drill cuttings or any other substance used for or generated secondarily to the purpose of hydraulic fracturing.

(b) No person may accept, receive, collect, store, treat, transfer or dispose of waste from hydraulic fracturing, including, but not limited to, the discharge of wastewaters into or from a pollution abatement facility, until the Commissioner of Energy and Environmental Protection adopts regulations, in accordance with the provisions of chapter 54, including approval of such regulations by the standing legislative regulation review committee, to: (1) Eliminate the exemption in the state's hazardous waste management regulations, adopted pursuant to subsection (c) of section 22a-449 for the wastes identified in 40 CFR 261.4(b)(5) and to provide that such wastes shall be subject to the state's hazardous waste management regulations, as applicable, as set forth in sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, and section 22a-449(c)-11 of the regulations of Connecticut state agencies, (2) ensure that any radioactive materials that may be present in wastes from hydraulic fracturing do not create or will not reasonably be expected to create a source of pollution to the air, land or waters of the state and do not otherwise pose a threat to the human health or the environment of this state, and (3) require disclosure of the composition of the waste from hydraulic fracturing. The commissioner shall not submit regulations authorized by this subsection to the standing legislative regulation review committee earlier than July 1, 2017, provided the commissioner shall submit such regulations to said committee not later than July 1, 2018.

(c) After the adoption of the regulations, including the approval of such regulations by the legislative regulation review committee, required by subsection (b) of this section, no person shall collect or transport waste from hydraulic fracturing for receipt, acceptance or transfer in this state unless such person obtains a permit, prior to any such collection or transport, issued in accordance with the provisions of section 22a-454. Such permit shall be required even if such collection or transportation is undertaken by a person whose principal business is not the management of such wastes. In any such permit the commissioner shall require, in addition to any other conditions, that records be maintained concerning the origins and all intermediate and final delivery points of such wastes from hydraulic fracturing.

(d) No person may sell, offer for sale, offer, barter, manufacture, distribute or use any product for anti-icing, de-icing, pre-wetting or dust suppression that is derived from or that contains waste from hydraulic fracturing until the commissioner adopts regulations in accordance with the provisions of chapter 54, including approval of such regulations by the

legislative regulation review committee, authorizing such sale, offer, barter, manufacture, distribution or use. Such regulations shall either prohibit any such products or shall contain any conditions that the commissioner deems necessary to protect human health and the environment and to ensure that the sale, offer, barter, manufacture, distribution or use of any such product does not create or will not reasonably be expected to create a source of pollution to the air, land or waters of the state. Such conditions may include, but are not limited to, a written statement to accompany such product indicating that such product contains or is derived from wastes from hydraulic fracturing.

(e) In implementing the provisions of this section, the commissioner shall request of any person information, including, but not limited to, whether and to what extent an anti-icing, de-icing, pre-wetting or dust suppression product is or may be derived from or contain wastes from hydraulic fracturing, where the materials used to manufacture any such product were obtained, and the chemical composition of such product or waste from hydraulic fracturing. If any person fails to provide the information requested by the commissioner pursuant to this subsection, such failure shall provide a basis for the commissioner to prohibit the sale, offering for sale, bartering, manufacturing, distribution or use of such anti-icing, de-icing, pre-wetting or dust suppression product or to not adopt regulations required pursuant to subsection (b) or (d) of this section, as applicable.

(f) Any information acquired by the commissioner under this section shall be subject to disclosure in accordance with the provisions of chapter 14.

(g) Until the adoption of regulations in accordance with subsection (b) of this section, the commissioner may approve, in writing, not more than three requests to allow a person, who the commissioner determines to be professionally qualified, to treat waste from hydraulic fracturing, provided such treatment is solely for the purpose of conducting research to determine whether such waste can be treated to make such waste suitable for use or reuse. The commissioner shall prescribe the form to be used for submitting any such request, including any information that the commissioner deems necessary for evaluating any such request. In approving any such request, the commissioner shall prescribe any conditions or requirements the commissioner deems necessary to prevent pollution to the air, land or waters of the state or to protect human health or the environment and shall include requirements regarding the disposal of any waste from any such research. From the effective date of this section until the adoption of regulations in accordance with subsection (b) of this section, no person whose request is approved pursuant to this section shall: (1) Apply for or obtain more than three such approvals pursuant this subsection, and (2) treat more than three hundred and thirty gallons of waste from hydraulic fracturing in accordance with this subsection, regardless of the number of approvals issued to such person. The commissioner may authorize a single treatment in excess of such gallon limitation by one person provided such authorization allows for the treatment of not more than five hundred gallons of waste from hydraulic fracturing. For the purposes of this subsection, all wastes from hydraulic fracturing shall be considered to be hazardous waste, as defined in section 22a-448, regardless of the state's incorporation by reference of 40 CFR 261.4(b)(5).

(h) Any person exploring for oil or gas on or after the effective date of regulations required by this [section] subsection shall register with the Commissioner of Energy and Environmental Protection on a form prescribed by him. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 setting forth (1) standards for oil and gas exploration and production wells, including, but not limited to, standards for the abandonment of exploration and production activities, and (2) the amount of a fee to be paid by registrants which shall be sufficient to pay the cost of administering the registration program.

Approved June 12, 2014

**Location:**

ENERGY LEGISLATION AND POLICY; TOXIC SUBSTANCES; UTILITIES - NATURAL GAS;



## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

By: Lee R. Hansen, Associate Analyst

**Fracking in ct?**

According to the state's Comprehensive Energy Strategy, Connecticut's natural gas resources are so minimal that they are highly unlikely to be developed. A recent U.S. Geological Survey study estimated undiscovered natural gas reserves of 3.5 billion cubic feet in the state's Hartford Basin. The Marcellus shale, by comparison, contains an estimated 84 trillion cubic feet of gas. Nevertheless, the state's proximity to Marcellus states like New York and Pennsylvania could make it a potential site for treating and disposing fracking waste if economic and regulatory conditions make it economically feasible.

**QUESTIONS** How is the transportation, storage, and disposal of fracking waste regulated? Are there best practices for transporting, storing, and disposing fracking waste? What studies have examined the potential dangers fracking waste poses to the public or ecology?

### SUMMARY

The transportation, storage, and disposal of hydraulic fracturing ("fracking") waste are regulated under a variety of federal and state laws. Contaminated water, which is fracking's largest waste product, is typically (1) treated to remove contaminants and discharged into surface waters, (2) recycled for use on other fracking projects, or (3) injected into specialized wells. Treating and discharging fracking wastewater is generally regulated under the federal Clean Water Act, which establishes permitting standards for treatment facilities and water quality standards for the treated water being discharged back into surface waters. Underground injections of fracking wastewater are regulated under the federal Safe Drinking Water Act, which sets permitting requirements for injection wells. Both laws allow federally approved state agencies to administer them. States can also enact

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

their own, more stringent, requirements. Regulating the recycling of fracking wastewater is generally left up to the states.

Regulating the handling, storing, and transport of fracking wastewater is also generally left to the states. In some states, such as Pennsylvania, the waste is regulated under waste management laws that provide detailed standards for storing and transporting waste and procedures for spills or accidental discharges. Recently enacted regulations in Ohio also require fracking wastewater haulers to install and use electronic transponders to monitor their shipments. Vermont is the only state that has banned the treatment, disposal, or storage of fracking waste, although Connecticut and New Jersey have considered similar bills.

The American Petroleum Institute has published two guidance documents aimed at identifying the industry's best practices used to minimize environmental impacts associated with the acquisition, use, treatment, and disposal of fracking wastewater. These documents contain numerous general recommendations for planning, training, and collaborating with government authorities when dealing with fracking wastes. In addition, State Review of Oil and Natural Gas Environmental Regulations, Inc., (STRONGER) issues guidelines for measuring state regulations and performs voluntary state reviews to evaluate a state's regulations against its guidelines and make recommendations for improvements. STRONGER is a non-profit, multi-stakeholder organization funded by grants from the U.S. Environmental Protection Agency, U.S. Department of Energy, and American Petroleum Institute.

Several studies on the potential dangers related to fracking waste and its disposal (e.g., seismic activity associated with injection wells, elevated radiation levels, and contamination from chemicals added to fracking fluids) have been published in recent years. A listing of some those published by government agencies or peer-reviewed journals is included below. In addition, the U.S. Environmental Protection Agency is expected to issue its study of the potential impacts of fracking on drinking water resources sometime in 2014.

### HYDRAULIC FRACTURING ("FRACKING")

Hydraulic fracturing is a technique designed to improve oil and gas production. It involves injecting large volumes of fluids and proppants (small spheroids of solid material) at high pressure into a well to create fractures in the source rock formation and carry the proppants into the fractures to hold them open when production begins. The fracking fluid is typically water-based and contains various chemicals, including bactericides, buffers, stabilizers, fluid-loss additives, and surfactants. These chemicals promote the fracturing operation's effectiveness and prevent damage to the formation. When used in conjunction with horizontal drilling, fracking enables oil and gas producers to extract the resources economically. Without these techniques, the oil and gas do not flow to the well rapidly, and commercial quantities cannot be produced from shale. Over the past several years, the technique has greatly increased domestic natural gas and oil production by allowing wells to reach previously inaccessible natural resources. For additional information on fracking, see OLR Report [2013-R-0176](#).

After the well operator has injected the fracking fluid into the well, the pressure is released and a portion of the injected fluid, known as "flowback," returns to the surface over the next few days and weeks. Over a longer period of time, water that was naturally present within the well, known as "produced water," also comes to the surface. Both the flowback and the produced water can contain various contaminants such as salts, organic hydrocarbons (e.g., oil and grease), inorganic and organic additives, and naturally occurring radioactive material, all of which must be managed according to various federal and state regulations.

### REGULATING FRACKING WASTE

Because federal regulations prohibit the discharge of shale gas wastewater directly from a production site into surface waters, fracking well operators in the northeast generally have three options for managing their contaminated fracking wastewater: (1) having the water treated to remove the contaminants then discharged into surface water; (2) recycling the water within their fracking operations; or (3) disposing of the water, typically through underground injection into specialized wells. In 2011, roughly 60% of the wastewater from shale gas production in Pennsylvania was

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

treated and discharged, 30% was recycled for fracking use, and 10% was injected into disposal wells (National Resources Defense Council (NRDC), *In Fracking's Wake: New Rules are Needed to Protect Our Health and Environment from Contaminated Wastewater*, May 2012, p. 4). Each option falls under different federal and state regulatory umbrellas.

### ***Treatment and Discharge***

Prohibited from discharging wastewater directly to surface waters, many fracking well operators send their wastewater to treatment facilities authorized to treat and discharge fracking wastewater under the federal Clean Water Act's National Pollutant Discharge Elimination System (NPDES). These facilities include publicly owned treatment works (POTWs) that are typically state or municipal water or sewage treatment plants, and centralized waste treatment facilities (CWTs) that are privately owned plants designed to treat industrial wastewater.

The NPDES program requires all facilities that discharge pollutants to surface waters to obtain a permit from federal Environmental Protection Agency (EPA) or the designated state agency (typically the state agency responsible for environmental protection). Permits can be tailored to individual facilities or cover multiple facilities within a specific geographic region. They have (1) technology-based conditions, which generally apply to all permitted treatment facilities, and (2) water quality conditions which can be unique to each facility and tailored to local conditions found in the surface water that receives the treated wastewater (NRDC p. 71).

To obtain a permit, producers must complete an application that, among other things, describes (1) the waste that will be discharged, (2) where the discharge will take place, and (3) the method of treatment. Once the state or EPA has issued a permit, producers must report any discharges, including the amount of each pollutant specified in the permit, to the permitting authority at least once per year. EPA has issued regulations establishing Effluent Limitations Guidelines for some onshore oil and gas extraction including shale gas (U.S. Government Accountability Office (GAO), *Energy-Water Nexus: Information on the Quantity, Quality, and Management of Water Produced during Oil and Gas Production*, GAO-12-156, Jan. 2012, p. 27).

The permits must require POTWs to provide "adequate notice" to the EPA and the state permitting authority, if applicable, when the POTW intends to accept new or additional pollutants or waste streams. This allows the permitting authority to determine if the POTW's permit needs to be modified to address the possible effects of the new discharge. Thus, POTWs that want to start treating fracking wastewater must collect information from the fracking well operator on the quality and quantity of wastewater, assess the potential impact of that wastewater on the POTW's discharges, and report this information to the EPA or the state (NRDC p. 72).

Permits for POTWs and CWTs must also include any requirements necessary to meet local water quality standards. The EPA and delegated states develop standards for each body of water by identifying the water's intended uses (e.g., fishing, swimming, or drinking) and then setting water quality criteria necessary to protect these uses. The criteria are generally numeric limitations on pollutants in a particular water body that are adequate to support the water body's designated uses. The EPA has published recommended national water quality criteria as guidance for delegated states. These recommendations include criteria for some pollutants that could be found in fracking wastewater, such as chloride, oil and grease, suspended solids, and nitrates (NRDC p. 73).

States can also establish discharge requirements that are stricter than federal requirements. In 2010, the Pennsylvania Department of Environmental Protection (PADEP), which administers the NPDES program in the state, issued regulations requiring, among other things, NPDES permits for facilities discharging industrial waste to comply with both EPA promulgated effluent limitation guidelines and the state's own industrial waste discharge standards. The state's regulations require each natural gas operator to implement a wastewater source reduction strategy identifying the methods and procedures it will use to maximize recycling and reuse of wastewater. They also prohibit "new and expanding" discharges of shale gas wastewater unless the discharge is authorized by a state-issued permit, which can only be issued for CWTs. POTWs can discharge shale gas wastewater only if it has been treated at a CWT first (NRDC p. 74). The state's regulations also provide stricter limits on certain contaminants contained in the wastewater discharged from CWTs, including limits on monthly

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

averages of total dissolved solids and chlorides. They establish stricter water quality standards for several contaminants potentially found in shale gas wastewater, such as alkalinity, ammonia nitrogen, chloride, nitrate, sulfate, and total dissolved solids (NRDC p. 75).

### **Recycling**

In recent years, some shale gas producers have begun reusing flowback and produced water for fracking additional wells. The water is typically treated first, either on-site or off-site, and then mixed with fresh water if salt concentrations remain high. In Pennsylvania, the practice has become more common since the state made its surface discharge standards more stringent, which made treatment and discharges comparatively more expensive (GAO 12-156, p. 20).

Fracking wastewater that is managed or treated solely to be reused for fracking is not subject to federal regulation (NRDC 7). Thus, recycling fracking wastewater for future fracking is regulated at the state level. Some states, such as Oklahoma, have regulations for the temporary storage of hydraulic fracturing fluids on drilling sites that prescribe standards for the construction, operation, location, and maintenance of noncommercial ponds used to temporarily store flowback water. In addition, some states, such as Louisiana, Pennsylvania, Texas, and Wyoming, require producers to disclose the chemical composition of their hydraulic fracturing fluids (GAO 12-156, pp. 28-29).

### **Underground Injection**

If fracking wastewater is not treated and discharged or reused in future fracking operations, it can be disposed in specialized injection wells. These injection wells are particularly suitable in areas with porous sedimentary rock, such as in the mid-continent and Great Plains, but conditions are less favorable along the Atlantic Coast, in New England, and in the Appalachian Mountains. In 2011 there were eight injection wells licensed in Pennsylvania, but applications for more wells were pending (NRDC p. 18). Due to the relatively low number of wells, many Pennsylvania producers who dispose their wastewater through underground injection generally transport it to authorized injection wells in Ohio or West Virginia, which can significantly increase the cost (GAO 12-156, p. 17). Ohio, which has over 170 licensed injection wells, has also recently increased fees for accepting out-of-state waste (J.A. Veil, Argonne National Laboratory, *Water Management Technologies Used by Marcellus Shale Gas Producers*, prepared for U.S. Dept. of Energy, Office of Fossil Energy, National Energy Technology Laboratory, July 2010, p. 15).

The federal Safe Drinking Water Act regulates underground wastewater injection through the Underground Injection Control (UIC) program, which sets standards for safe wastewater injection practices. All underground injections, except for fracking itself, must be authorized by the program. As with the Clean Water Act, EPA implements the UIC program unless a state has been given authority to administer it. In the Marcellus region, Maryland, Ohio, and West Virginia administer the UIC program, but EPA administers it directly in New York, Pennsylvania, and Virginia (NRDC pp. 77-78).

Under the UIC program, injection well operators typically must apply for a permit to drill an injection well and supply information, including the location and depth of the proposed well. After receiving a permit, the operators must observe, record, and report the injection pressure, flow rate, and cumulative volume each month. Operators must also conduct mechanical integrity tests on the wells at least once every five years (GAO-12-156, p. 26). UIC permits can be issued for one of five classes of wells, with each class subject to different requirements. Because EPA does not consider fracking wastewater as "hazardous," it does not have to be injected into Class I wells, which are subject to the most stringent requirements. The wastewater can instead be injected into Class II wells for fluids associated with oil and gas production (NRDC p. 77).

Before authorizing a Class II well, EPA or the authorizing state agency must consider the (1) location of existing wells and other geographical features in the area, (2) well operator's proposed operating date, (3) injection fluid's characteristics, (4) injection zone's geological characteristics, (5) proposed well's construction details, and (6) operator's demonstration of mechanical integrity. Class II wells must inject into an underground formation that is separated by a fault- and fracture-free zone from any underground source of drinking water. The wells must be cased and cemented to prevent fluids

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

moving into or between underground drinking water sources. Once operating, the well's injection pressure cannot exceed a predetermined maximum and operators must maintain the well's mechanical integrity or cease injection (NRDC p. 78).

While there may be individual variations, states with Class II UIC wells also generally have requirements for casing and cementing, operating pressures, mechanical integrity testing, well plugging, and the monitoring and reporting of certain information. In 2012, the Ohio Department of Natural Resources placed a moratorium on injections into Class II wells in the Youngstown area after finding a "compelling argument" that injections in the wells had caused a series of earthquakes in 2011 and 2012 (U.S. Government Accountability Office, *Unconventional Oil and Gas Development: Key Environmental and Public Health Requirements*, [GAO-12-874](http://www.gao.gov/products/GAO-12-874), Sept. 2012, p. 59). In response, the state imposed new regulations on Class II wells that, among other things, (1) prohibit any new wells from being drilled into a Precambrian basement rock formation, (2) require well operators to submit extensive geological data before drilling, and (3) require using pressure and volume monitoring devices with automatic shut-off switches and electric data recorders ([http://www.ohiodnr.com/home\\_page/NewsReleases/tabid/18276/EntryId/2711/Ohios-New-Rules-for-Brine-Disposal-Among-Nations-Toughest.aspx](http://www.ohiodnr.com/home_page/NewsReleases/tabid/18276/EntryId/2711/Ohios-New-Rules-for-Brine-Disposal-Among-Nations-Toughest.aspx)).

### ***Transporting and Storing***

Regardless of whether a fracking operator chooses to treat, recycle, or dispose of its fracking waste, it will most likely have to temporarily store the waste or transport it to another facility for treatment. Because oil and gas wastes are not considered "hazardous" under the federal Resource Conservation and Recovery Act, state regulations generally govern the handling, storage, and transport of shale gas wastewater prior to its ultimate disposal (U.S. Dept. of Energy, Office of Fossil Energy, National Energy Technology Laboratory, *State Oil and Natural Gas Regulations Designed to Protect Water Resources*, May 2009, pp. 32-33).

In Pennsylvania, wastewater from industrial operations is classified as nonhazardous and must be managed in accordance with the state's Solid Waste Management Act. The act generally requires anyone who stores, processes, transports, or disposes of nonhazardous waste to comply with all PADEP waste management regulations. It also prohibits them from endangering public health or the environment and from causing a public nuisance. The state's regulations provide detailed standards for the storage and transportation of waste. If a spill or accidental discharge occurs during transport, the transporter must notify PADEP and take immediate steps to contain and clean up the spill (NRDC, p. 81). In 2011, Pennsylvania's legislature also considered, but did not enact on, a [bill](#) to require any vehicle carrying fracking wastewater to have a notification placard on the outside of the vehicle.

Several states have set requirements for storing produced water, drill cuttings, and other waste substances. For example, North Dakota allows temporary use of lined pits to retain solids or fluids generated during well completion, but requires them to be removed within 72 hours after operations end. Pennsylvania requires certain types of pits to be lined and sets permeability, strength, and thickness standards for the linings. Colorado and Wyoming require storage tanks to be used under certain circumstances and other states set construction requirements for storage tanks (GAO 12-874, p. 58). Ohio's new regulations also require fracking waste water haulers to install electronic transponders to monitor all shipments ([http://www.ohiodnr.com/home\\_page/NewsReleases/tabid/18276/EntryId/2711/Ohios-New-Rules-for-Brine-Disposal-Among-Nations-Toughest.aspx](http://www.ohiodnr.com/home_page/NewsReleases/tabid/18276/EntryId/2711/Ohios-New-Rules-for-Brine-Disposal-Among-Nations-Toughest.aspx)).

### ***Fracking Waste Bans***

Other states have enacted or considered laws to ban storing or processing fracking waste outright. In 2012, Vermont enacted a [law](#) that prohibits fracking in the state and bars anyone from collecting, storing, or treating fracking wastewater or discharging any fracking waste into the state's pollution abatement facilities. New Jersey's legislature also passed a [bill](#) in 2012 to prohibit the treatment, discharge, disposal, or storage of fracking wastewater, wastewater solids, sludge, drill cuttings or other byproducts. Governor Christie, however, [vetoed](#) the bill because it may have violated the U.S. Constitution's commerce clause, which limits the states' ability to regulate interstate commerce. The

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

New Jersey legislature did not override the veto. In the 2013 legislative session, the Connecticut General Assembly considered, but did not pass, a similar ban ([HB 5335](#)) and moratorium ([HB 6533](#)).

For additional information on recently enacted or proposed state regulations on fracking, see <http://www.ncsl.org/documents/energy/NaturalGasDevLeg313.pdf>.

### **BEST PRACTICES**

#### ***API Guidance Documents***

The American Petroleum Institute (API) has published two guidance documents, "[Water Management Associated with Hydraulic Fracturing](#)," (API Guidance Document HF2, June 2010) and "[Practices for Mitigating Surface Impacts Associated with Hydraulic Fracturing](#)," (API Guidance Document HF3, January 2011) that aim to identify and describe many of the current industry best practices used to minimize the environmental impacts associated with the acquisition, use, treatment, and disposal of water and other fluids associated with fracking. Among other things, the documents recommend that well operators:

1. engage local water planning agencies when developing their fracking programs and consider a broad spectrum of competing water requirements and constraints, including flowback water treatment and disposal options and the potential for water recycling;
2. review and evaluate regional practices regarding waste management and disposal, including the preferred disposition method, treatment capabilities, and permit requirements for proposed treatment facilities or disposal wells;
3. assess requirements and constraints associated with fluid transport and consider alternative strategies to minimize its expense and potential environmental or social impacts;
4. develop and implement a detailed fluid transport strategy and work collaboratively with local law enforcement, community leaders, and area residents to enhance safety and reduce potential impacts;
5. prioritize potential opportunities to reuse flowback and produced water prior to treatment for surface discharge or injection disposal, including selecting fracking fluid additives with environmentally benign constituents that do not impede water treatment initiatives;
6. require all responsible personnel involved in the post-fracking activities to be trained in the transportation and handling of fluids, chemicals, and other materials associated with the process;
7. disclose proprietary fracking fluid formulations when requested by designated state agency representatives and health professionals in emergencies or when they demonstrate a need to know such information;
8. design and construct surface impoundments for storing fracking fluids so that they prevent infiltration of fluids into the subsurface; and
9. have spill prevention, response, and cleanup procedures in place before initiating activities that have potential for a spill.

#### ***STRONGER***

The [State Review of Oil and Natural Gas Environmental Regulations, Inc.](#) (STRONGER) is a nonprofit, multi-stakeholder organization that issues [guidelines](#) for states regulating oil and gas exploration and production (E&P) wastes. The organization is funded by grants from the EPA, U.S. Department of Energy, and

API. The guidelines are developed by state, environmental, and industry stakeholders and are used to measure the successes of states' regulations and offer recommendations for improvement.

Among other things, the 2013 guidelines recommend:

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

1. authorizing an appropriate state agency to require training for truck drivers that commercially transport E&P wastes to a commercial disposal facility, including proper record keeping and emergency response and notification procedures and
2. implementing a waste tracking system that documents the movement of wastes from their original site to their final disposition.

STRONGER is currently developing additional guidelines specific to fracking-related issues.

States can voluntarily agree to be reviewed by STRONGER teams composed of stakeholders from the oil and gas industry, state environmental regulatory programs, and members of the environmental/public interest communities. For example, Pennsylvania underwent a review in [2010](#) and a follow-up review in [2013](#).

### STUDIES ON PONTENTIAL DANGERS

Numerous studies examining the potential dangers of fracking waste have been published. While our office is not authorized or qualified to evaluate their accuracy, the following is a sample of recent studies that have been published by government agencies or peer-reviewed journals:

- Brian D. Lutz, et al., "Generation, Transport, and Disposal of Wastewater Associated with Marcellus Shale Gas Development," *Water Resources Research*, Feb. 8, 2013 (<http://onlinelibrary.wiley.com/doi/10.1002/wrcr.20096/abstract>).
- National Research Council, *Induced Seismicity Potential in Energy Technologies*, 2013 ([http://www.nap.edu/catalog.php?record\\_id=13355](http://www.nap.edu/catalog.php?record_id=13355)).
- Ohio Department of Natural Resources, *Preliminary Report on the Northstar 1 Class II Injection Well and the Seismic Events in the Youngstown, Ohio, Area*, March 2012 (<http://www.oilandgaslawreport.com/files/2013/04/ODNR-UIC-Report.pdf>).
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In addition, [FracFocus](#) maintains a national hydraulic fracturing chemical registry that 10 states, including Pennsylvania, use for chemical disclosures required by state law. Managed by the Ground Water Protection Council and Interstate Oil and Gas Compact Commission, FracFocus does not provide a scientific analysis of risks associated with hydraulic fracturing, however numerous studies of the various chemical additives disclosed on the site have been performed in other contexts.

### HYPERLINKS

## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

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J.A. Veil, Argonne National Laboratory, *Water Management Technologies Used by Marcellus Shale Gas Producers*, [http://fracfocus.org/sites/default/files/publications/water\\_management\\_in\\_the\\_marcellus.pdf](http://fracfocus.org/sites/default/files/publications/water_management_in_the_marcellus.pdf), last visited January 13, 2014.

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Vermont Act No. 152 (H. 464), 2011-2012 Legislative Session, *An Act Relating to Hydraulic Fracturing Wells for Natural Gas and Oil Production*, <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0464&Session=2012>, last visited January 13, 2014.

New Jersey Assembly, No. 575, 2012 Session, [http://www.njleg.state.nj.us/2012/Bills/A1000/575\\_R1.PDF](http://www.njleg.state.nj.us/2012/Bills/A1000/575_R1.PDF), last visited January 13, 2014.

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## TRANSPORT, STORAGE, AND DISPOSAL OF FRACKING WASTE

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**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant Town Manager; Linda Painter, Director of Planning and Development; Curt Vincente, Director of Parks and Recreation; Jennifer Kaufman, Natural Resources and Sustainability Coordinator  
**Date:** October 26, 2015  
**Re:** Grant Application to CT DEEP for Eagleville Lake Aquatic Invasive Control

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**Subject Matter/Background**

The towns of Coventry and Mansfield propose to partner once again this year to submit a grant application the Connecticut Department of Energy and Environmental protection (DEEP) to perform follow-up control of the aquatic invasive fanwort plant (*Cabomba caroliniana*) in Eagleville Lake. The grant application is due on November 9, 2015.

In 2014, Coventry and Mansfield were awarded a grant from DEEP to perform initial control of a 60-acre infestation of fanwort that was discovered by the Connecticut Agricultural Experiment Station in 2012. Using the DEEP grant, matched with funds from both towns, Aquatic Control Technologies was hired to perform an initial application of Flumioxazin (trade name Clipper) in June and July of this year. Prior to this application, the towns held a public forum and developed a press campaign to inform the public about the aquatic invasive fanwort and its treatment.

According to a follow-up report prepared by Aquatic Control Technologies (attached), the first treatment for Eagleville Lake was successful in significantly reducing the infestation of fanwort, with a level of control greater than 90%. However, as both towns were aware when the initial grant was submitted, treatment of fanwort is a multi-year project and additional herbicide application is usually necessary. The year-end report indicates that because Clipper is a contact herbicide, we can expect significant re-growth in 2016 and follow-up treatment is required. Consequently, Coventry and Mansfield propose to submit a grant to defray the cost of follow-up application of Clipper and to continue the

public awareness campaign to inform the public about fanwort and other aquatic invasive plants and to prevent the spread of these plants. The Open Space Preservation Committee and the Conservation Commission discussed the follow-up treatment at their October 2015 meetings and recommend that the Town seek DEEP funding for this project.

**Financial Impact**

The total budget for the follow-up treatment and public outreach is \$28,000. A 50% cash match of \$14,000 is required for the grant and the towns plan to each contribute \$7,000. Anticipating the need for follow-up treatment, staff did budget for fanwort management in the FY 2015/16 capital fund.

**Recommendation**

Staff is seeking authorization for the Town Manager to partner with the Town of Coventry to submit a grant to DEEP for the follow-up treatment of fanwort in Eagleville Lake.

If the Town Council supports this recommendation, the following resolution is in order:

*Resolved, effective October 21, 2015, that the Mansfield Town Council authorizes the Town Manager to partner with the Town of Coventry to submit a grant to the Connecticut Department of Energy and Environmental Protection seeking \$28,000 to manage fanwort in Eagleville Lake and to commit to contributing the required \$7,000 cash match from the Town of Mansfield's FY 2015/16 capital fund.*

**Attachments**

- 1) Flumioxazin (Clipper) Fact Sheet
- 2) Year-End Report for the 2015 Aquatic Management Program at Eagleville Lake

# Flumioxazin Chemical Fact Sheet

## Formulations

Flumioxazin has been used as an agricultural chemical since 2001, and was conditionally registered for aquatic use in 2010. The active ingredient is 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione. It is available in granular form (Clipper™) for control of submerged plants, and can be used as a direct foliar application to control emergent and floating-leaf plants. It also controls some filamentous algae.

## Aquatic Use and Considerations

Flumioxazin is a broad-spectrum contact herbicide. It works by interfering with the plants' production of chlorophyll. Treated plants will respond quickly to treatment and rapidly decompose. For larger treatments or in dense vegetation, split treatments about two weeks apart are recommended to prevent fish suffocation from low oxygen due to decaying plants.

Flumioxazin needs to be applied to young plants early in the spring as they begin to grow. It should not be used in very hard-water lakes (pH over 8.5), many of which occur in southeastern Wisconsin. Application in the early morning will increase efficacy, particularly in hard-water lakes. A water body should not be treated with flumioxazin if there is an outlet, or in moving waters such as rivers or streams.

Flumioxazin controls invasive Eurasian watermilfoil (*Myriophyllum spicatum*) and curly-leaf pondweed (*Potamogeton crispus*). It may also affect desirable native species, such as coontail (*Ceratophyllum demersum*), duckweeds (*Lemna* spp.), some pondweeds (*Potamogeton illinoensis*, *P. diversifolius*, *Stuckenia pectinata*) and native milfoil (*M. heterophyllum*).

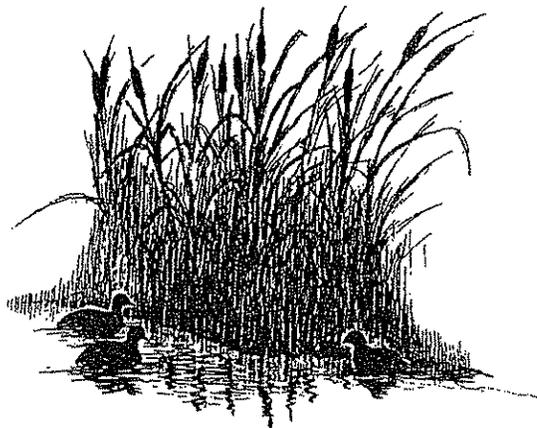
## Post-Treatment Water Use Restrictions

There are no restrictions on swimming, eating fish from treated water bodies, or pet/livestock drinking water use. There is a five-day restriction on irrigation.

## Herbicide Degradation, Persistence and Trace Contaminants

Flumioxazin is broken down rapidly by water and microbes. The half-life (the time it takes for half of the active ingredient to degrade) depends on the pH of the water. In low pH water (such as in northern Wisconsin) the half-life is four to five days; in high pH water (such as in southeastern Wisconsin) the half-life is a day or less.

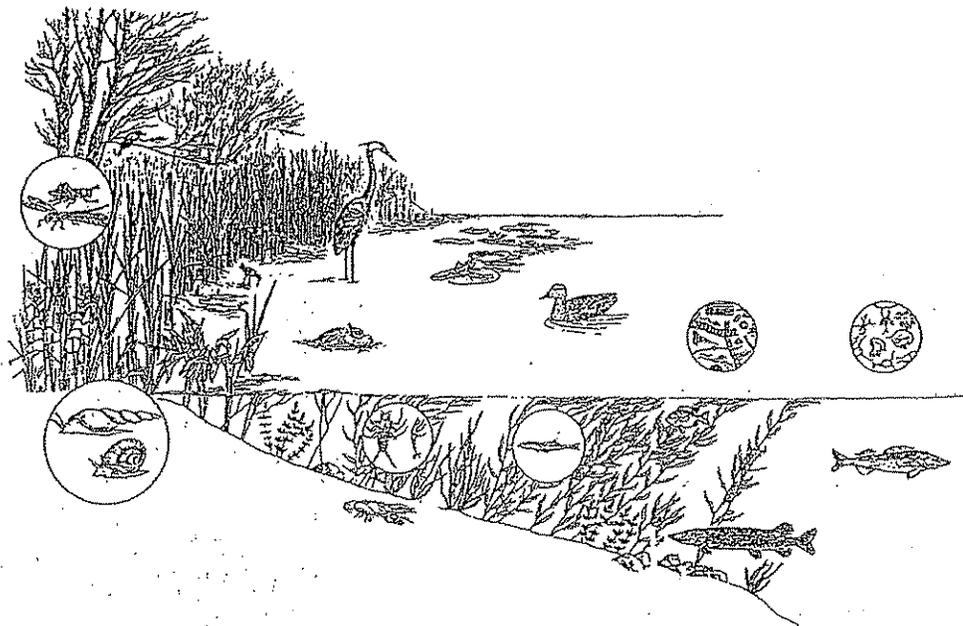
When flumioxazin degrades, it breaks down into two compounds known as APF (6-amino-7-fluoro-4-(2-propynyl)-1,4,-benzoxazin-3(2H)-one) and THPA (3,4,5,6-tetrahydrophthalic acid). Flumioxazin has a low potential for leaching and would not persist in the environment. APF and THPA do have a high potential to leach through soil and may be persistent.



The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please call (608) 267-7694 for more information.

## Flumioxazin Chemical Fact Sheet

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[www.epa.gov/pesticides](http://www.epa.gov/pesticides)

Wisconsin Department of Agriculture, Trade,  
and Consumer Protection  
<http://datcp.wi.gov/Plants/Pesticides/>

Wisconsin Department of Natural Resources  
608-266-2621  
<http://dnr.wi.gov/lakes/plants/>

Wisconsin Department of Health Services  
<http://www.dhs.wisconsin.gov/>

National Pesticide Information Center  
1-800-858-7378  
<http://npic.orst.edu/>



October 9, 2015

Town of Coventry  
Mr. Eric Trott  
Director of Planning and Development  
1712 Main Street  
Coventry, CT 06238

**Re: Year-End Report for the 2015 Aquatic Management Program at Eagleville Lake –  
Coventry/Mansfield, CT (Project #300-15)**

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Mr. Trott,

Aquatic Control Technology (ACT) was contracted with the Town of Coventry to conduct an Aquatic Management Program at Eagleville Lake to control a widespread infestation of the non-native, invasive aquatic plant fanwort (*Cabomba caroliniana*). ACT first inspected Eagleville Lake in September of 2013 at the request of Chuck Lee from CT DEEP. At that time, fanwort covered a substantial portion of the lake and exhibited “topped-out” growth in many areas.

After the Town secured grant funding from CT DEEP in 2015, ACT was hired to conduct a management program to treat the fanwort, including permitting with CT DEEP, pre/post treatment inspections and aquatic herbicide treatments with Clipper (flumioxazin) herbicide. The pre/post treatment inspection work was sub-contracted to Northeast Aquatic Research LLC (NEAR) as its Principal Scientist, Dr. George Knoecklein was familiar with the lake and was located nearby in Mansfield Center.

#### Herbicide Treatment Summary



ACT received the approved permit from CT DEEP on May 29<sup>th</sup>. The initial herbicide treatment of Eagleville Lake occurred on July 7<sup>th</sup>, following required notifications and posting. An earlier treatment date was originally selected but was postponed due to heavy rains and high flow through the lake. Due to the dense growth conditions, only the upper half of the lake was treated on this day to limit the amount of decaying plant material and prevent potential oxygen depletion. The second half of the lake was treated on July 21<sup>st</sup>. The total area of treatment is shown in the picture inset on the left.

The first treatment was conducted using ACT's airboat, however difficulties encountered with launching/retrieval of the vessel prompted the use of a smaller Jon Boat for the 2<sup>nd</sup> treatment. All treatments were conducted in accordance with the CT DEEP permit and the product label by ACT's licensed applicators.

## Pre & Post Treatment Results

The pre & post treatment plant surveys of the lake were conducted by NEAR, LLC on June 6<sup>th</sup> and August 24<sup>th</sup>, respectively. Data on species composition and plant cover was collected at a series of 155 points throughout the lake as shown on Figure 1 (attached). The following table shows a summary of the data collected. Figure 2 (attached) provides a visual representation of the location of fanwort plants during the pre & post treatment surveys.

Table 1 – Pre & Post Treatment Plant Data

Eagleville Survey		Pretreatment Survey Results (6/3/15)				Post Treatment Survey Results (8/24/15)			
Species List 6-3-15 and 8/24/15		COUNT	%Frequency	AVG% Cover	Overall %Cover	COUNT	%Frequency	AVG% Cover	Overall %Cover
1	Pondetaria cordata*	8	5.4	20.0	1.1	23	14.8	21.5	3.2
2	Nuphar variegata	30	20.1	71.1	14.3	22	14.2	18.7	2.7
3	Sparganium emergent*	13	8.7	31.7	2.8	8	5.2	14.2	0.7
4	Brasenia shreberri	16	10.7	40.0	4.3	9	5.8	13.2	0.8
5	Cabomba caroliniana	117	78.5	58.9	46.2	13	8.4	48.5	4.1
6	Elodea nuttallii	24	16.1	45.3	7.3	3	1.9	13.7	0.3
7	Nymphaea odorata	3	2.0	15.0	0.3	4	2.6	5.0	0.1
8	Utricularia gibba	9	6.0	9.3	0.6	1	0.6	5.0	0.0
9	Filamentous algae	9	6.0	68.3	4.1	0	0.0	-	-
10	Ceratophyllum echinatum	8	5.4	7.5	0.4	2	1.3	22.5	0.3
11	Nitella sp	5	3.4	9.0	0.3	0	0.0	-	-
12	Potamogeton berchtoldii	3	2.0	5.0	0.1	0	0.0	-	-
13	Potamogeton natans	2	1.3	5.0	0.1	2	1.3	12.5	0.2
14	Utricularia macrorhiza	4	2.7	15.0	0.4	3	1.9	3.7	0.1
15	Ceratophyllum demersum	6	4.0	11.3	0.5	0	0.0	-	-
16	Scirpus sp.*	1	0.7	10.0	0.1	1	0.6	5.0	0.0
17	Lemna sp.	1	0.7	5.0	0.0	0	0.0	-	-
18	Ludwigia	2	1.3	5.0	0.1	0	0.0	-	-
19	Typha*	2	1.3	100.0	1.3	2	1.3	5.0	0.1
20	Eleocharis emergent	2	1.3	5.0	0.1	1	0.6	10.0	0.1
21	Sagittaria sp.	0	0.0	-	-	0	0.0	-	-
22	Sparganium fluctuans					12	7.7	11.7	0.9
23	Potamogeton epihydrus					4	2.6	20.0	0.5
24	Purple Loosestrife*	Not recorded during this survey				11	7.1	34.5	2.4
25	Calitche					4	2.6	10.0	0.3
26	Potamogeton bicupulatus					4	2.6	10.0	0.3
27	Potamogeton nodosus					9	5.8	19.4	1.1
28	Phragmites australis*					1	0.6	10.0	0.1

\* - denotes an emergent species

A significant decrease in fanwort was observed post treatment with the frequency of fanwort dropping from 78.5% to 8.4% and the lake-wide cover reduced from 46.2% to 4.1%. This represents >90% reduction in

fanwort from the treatment. The remaining areas of fanwort were either small populations which escaped treatment due to location or higher water movement, or as in the case of the northernmost cove, actually representative of low biomass re-growth following treatment.

As expected, some of the non-target species, including *Elodea* and waterlilies were also significantly reduced. Other species were generally found in sparse amounts both before and after treatment. Based on past experience at other waterbodies, waterlily growth is expected to re-growth fairly rapidly in later in the fall and in the spring. Several species of plants, including three pondweeds, not recorded during the pre-treatment survey were observed following treatment.

### Conclusions & Recommendations

Overall, the treatment program at Eagleville Lake was successful in significantly reducing (by >90%) the infestation of fanwort. As discussed, Clipper is a contact herbicide, therefore significant re-growth is to be expected in 2016 and follow-up treatment is recommended. From past experiences with Clipper at other lakes, a progressive decrease in the density and biomass of re-growth is expected following consecutive years of treatment.

Although we may see a reduction in the density of fanwort in 2016 as a result of this year's treatment, we expect the overall extent of fanwort growth will be similar and that the same areas of the lake will need to be treated. The cost of treatment will again be \$27,400, including permitting, pre & post treatment surveys (conducted by NEAR) and labor and materials for the herbicide treatment.

We trust this report provides you with the needed documentation of the 2015 Management Program at Eagleville Lake and information to plan for work in 2016. If you have any questions, please feel free to give us a call. It has been a pleasure working with you this year and we look forward to continuing work with you in the future.

Sincerely,  
AQUATIC CONTROL TECHNOLOGY



Dominic Meringolo  
Senior Environmental Engineer



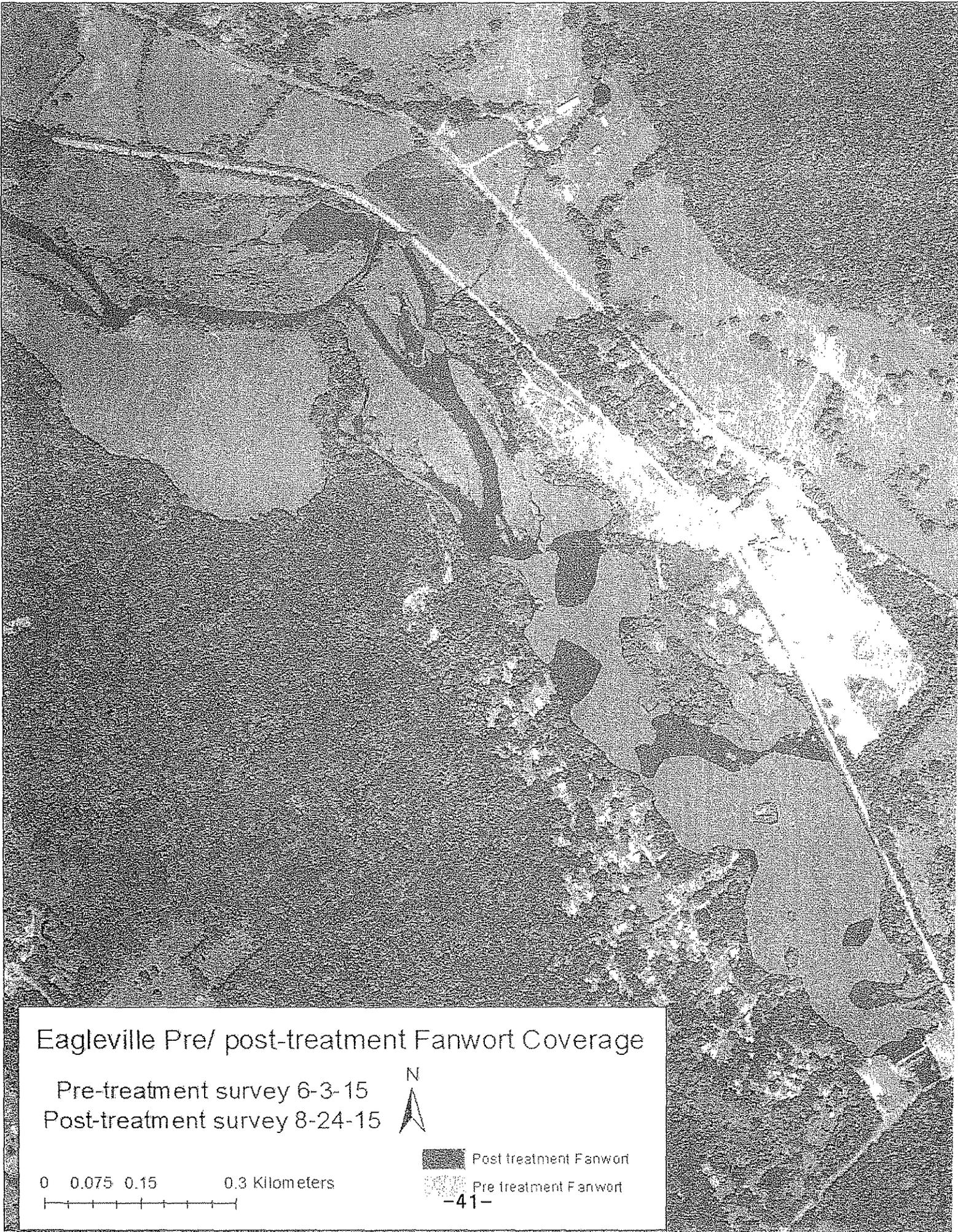
# Eagleville 2015 Survey GPS Waypoints

Pre-treatment survey 6-3-15  
Post-treatment survey 8-24-15



- ◊ 6-3-15 Eagleville Fanwort found
- ◊ 6-3-15 Eagleville WPTS





### Eagleville Pre/ post-treatment Fanwort Coverage

Pre-treatment survey 6-3-15  
Post-treatment survey 8-24-15



0 0.075 0.15 0.3 Kilometers

Post treatment Fanwort  
Pre treatment Fanwort

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**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Toni Moran, Personnel Committee Chair  
**CC:** Matt Hart, Town Manager  
**Date:** October 26, 2015  
**Re:** Compensation for Town Manager – FY 15/16

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**Subject Matter/Background**

As you know, the Council has completed the Town Manager's performance review for the previous year (July 1, 2014 – June 30, 2015). The Council has favorably evaluated the Town Manager's performance for this rating period.

A general wage increase of 2% retroactive to July 1, 2015, which is consistent with what was awarded to nonunion personnel, is being recommended for the Town Manager. Beginning with the October 21, 2015 pay check, the Town Manager will pay 18% of the premium for his health insurance coverage, an increase from 17%. This is consistent with the premium share paid by non-union staff.

**Financial Impact**

If the wage increase is approved, the Town Manager's annual salary would increase from \$143,291 to \$146,157. The impact of the wage adjustment on benefits is noted below:

**Impact of Adjustment to Town Manager Compensation FY 15-16**

	Salary	FICA	Medicare	MERS	Life Ins.	STD Ins.	LTD Ins.	Total
Current	\$143,291	\$8,884	\$2,078	\$16,306	\$671	\$838	\$870	\$172,937
Proposed	\$146,157	\$9,062	\$2,119	\$16,633	\$684	\$855	\$887	\$176,396
Difference	\$2,866	\$178	\$42	\$326	\$13	\$17	\$17	\$3,459

**Notes:**

2% General wage increase applied retroactively to July 1, 2015.

Modest rate increase to short term disability insurance premium for the Town as a whole for FY 15-16 due to claims experience.

**Recommendation**

If the Town Council supports the recommendation to apply a 2% general wage increase to the Town Manager's salary retroactive to July 1, 2015, the following motion is in order:

*Move, to increase the Town Manager's annual salary by 2% retroactive to July 1, 2015, for an annual salary of \$146,157 as of July 1, 2015.*

**Attachments**

- 1) Summary of Town Manager FY 14/15 Performance Review

## DRAFT Summary of Town Manager Evaluation

2015

All nine Council members completed this year's evaluation of the town manager, Matthew Hart. In addition, 15 members of the staff who are his direct reports completed an anonymous 20 question survey evaluating his performance from their perspective. The results reflect the fact that the town has come through a difficult year and has continued to make progress. More Council members rate Mr. Hart's performance as outstanding in many categories, reflecting improvement in his relationships with individual members of the Council, and his responsiveness to member concerns. Staff members are nearly unanimous in their praise.

He is considered to be an outstanding manager, with very strong evaluations from most council members. In particular, he is praised for his ability to implement Council decisions, make hard decisions, manage the town's budget and expenditures, communicate Council decisions to the public and work with outside groups and organizations. His knowledge about regional and state organizations, laws and policies is exceptional. He receives high marks for his handling of uncertain state revenues and presenting balanced budgets that actually reduced taxes for most town residents. Most staff members rate him as outstanding in almost every question.

He has received high praise for his personal integrity, composure, and energy. Several members and staff commented on his ability to maintain an even keel during times of great controversy and personal attack, both on his staff and his own management. Other council members remarked on the high regard with which he is held by officials outside Mansfield. Several members commented on improved responsiveness to Council concerns and to individual Council members. Staff value his sensitivity to the public, his ability to make hard decisions and take responsibility for decisions made by others, his willingness to let them run their departments without micromanagement, and especially his willingness to spend the time to do a good job.

The evaluations reflect the Council's high opinion of his ability to manage and motivate town staff. The Council's investment in additional professional opportunities for Mr. Hart will also be reflected in new opportunities of staff development.

On the other hand, councilors expressed several concerns about public infrastructure, particularly town facilities and road maintenance. Several councilors recognized that these issues will be addressed by the consultants who will be hired to conduct in-depth studies of these issues. There are a few very critical comments regarding an apparent preference for majority party members and a general failure to conduct business in the manner considered appropriate by the commenter.

From the staff perspective, there were some who ranked him as satisfactory on responsiveness to staff suggestions, and on the lack of available resources for staff training or other departmental needs. Throughout their comments there was a recognition that the town runs on a lean budget. On the other hand, several people commented on the fact that staff members' ideas get a complete hearing, that monthly meetings keep people informed. (One staff member believes strongly that the monthly meetings are a waste of time and money, and would rather reduce frequency or attendance or both.)

At least one councilor is concerned that the Council is only presented with a single manager's recommendation at Council meetings, and would prefer that alternatives be offered.

It was not possible for the town to meet all the goals set for 2014-2015, and the evaluations reflect that to some degree. For example, while the town continued to contribute to school repairs and technology, no progress was made toward evaluating or planning for school facilities. There is also some concern about the progress made toward sustainability goals. On the other hand, most councilors rated Mr. Hart as outstanding in achieving the goals in general government and finance, infrastructure, regionalism, economic development, relationships with the Town Council, and town/ university relations.

One staff member added to her comments on the form that Matt has transformed the culture of Town Hall from a "boys club" to an inclusive, family friendly work environment. There is nowhere on the prepared evaluation form to make this particular comment, but it is extremely important one. Staff members' family concerns are recognized; staff aren't penalized for taking advantage of federal and state laws regarding parental needs. Examples include accommodations for breastfeeding mothers, and encouraging both mothers and fathers to take parental leave time and a substantial increase in the number of women in leadership positions. Appropriate recognition for women's work and for family needs result in greater productivity and employee loyalty.

On the whole, Mansfield has an outstanding town manager, whose competence, dedication to the town, and personal efforts have received the strongest praise from his staff, and most members of the Council. To quote the words of one staff member, we are very lucky to have him.

9-27-2015

# MEMORANDUM

Town of Mansfield  
 Town Manager's Office  
 4 So. Eagleville Rd., Mansfield, CT 06268  
 860-429-3336  
 Hartmw@mansfieldct.org



To: Town Council  
 From: Matt Hart, Town Manager *MwH*  
 CC: Maria Capriola, Assistant Town Manager; John Carrington, Director of Public Works;  
 Kevin Deneen, Town Attorney  
 Date: October 22, 2015  
 Re: Political Activity at Town's Transfer Station

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In order to protect public safety, minimize liability to the Town and to ensure the orderly operation of the transfer station, the Director of Public Works recently issued the attached directive to departmental staff. The policy requires that individuals who wish to campaign shall do so outside the gate at the main entrance.

While the Town Attorney and I did not review the exact language in the policy, we did discuss the issue at a recent staff update and generally concurred with the restriction. The safety and liability concerns are legitimate as people have been struck by vehicles and seriously injured or killed at landfills and transfer stations in Connecticut.

A candidate for public office has expressed concern regarding the restrictions set out in the policy. Consequently, I have asked the Town Attorney for a written opinion concerning this matter. Once I have his opinion, I will share it with the Town Council for discussion. At that point, the Council may wish to develop a more comprehensive policy regarding political activity at all town property, including the transfer station.

In the interim, I have asked Mr. Carrington to direct the staff at the transfer station to provide individuals wishing to campaign or to conduct political activity at the facility with a safety briefing. Other than to provide adequate safety for our employees and citizens using the transfer station and to any individual wishing to campaign, I have directed him to not restrict these individuals to a particular location at the transfer station.

Please let me know if you have questions regarding this issue.

Attach: (1)



**TOWN OF MANSFIELD**  
DEPARTMENT OF PUBLIC WORKS

John C. Carrington, P.E., Director of Public Works

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3332  
Fax: (860) 429-6863  
CarringtonJC@mansfieldct.org

October 2, 2015

**Political Activity at the Transfer Station Policy**

**Effective Date**

The following policy is effective immediately and shall remain in effect until revised or rescinded.

- I. Occasionally individuals contending for an elected position desire to use the Transfer Station to engage with potential voters.
- II. Safety of the public while at the Transfer Station is most important and shall not be sacrificed for political activity.
- III. Individuals desiring to campaign and engage the public at the Transfer Station may only do so outside the gate at the main entrance. Those individuals campaigning cannot cause the traffic to back up into Route 89 and should respect each person's right to not want to be bothered when going to the Transfer Station.



John C. Carrington  
Director of Public Works

Charles R. Naumec  
52 Riverview Road, Mansfield Center, CT 06250  
Tel.:860-450-1355 E-mail: [charles\\_r\\_naumec@sbcglobal.net](mailto:charles_r_naumec@sbcglobal.net)

October 6, 2015

Mansfield Town Council  
Audrey Beck Building  
4 South Eagleville Road  
Mansfield, CT 06268

State Senator Mae Flexer  
Legislative Office Building  
Room 1800  
Hartford, CT 06106-1591

State Representative Gregg Haddad  
Legislative Office Building  
Room 4115  
Hartford, CT 06106-1591

State Representative Linda A. Orange  
Legislative Office Building  
Room 4109  
Hartford, CT 06106-1591

References:   A. Letter, Charles R. Naumec to The Honorable Denise W. Merrill, dated 10/6/2015  
                  B. Letter, Denise W. Merrill to Charles R. Naumec, dated 9/24/2015  
                  C. Letter, Charles R. Naumec to The Honorable Denise W. Merrill, dated 9/9/2015  
                  D. Letter, Charles R. Naumec to The Honorable Denise W. Merrill, dated 5/9/2015

Attn.: Mansfield Town Council and Mansfield Legislative Delegation

I have attached a copy of the Reference A letter for your information.

I have also attached a copy of Reference B letter which places the resolution of concerns relative to the PILOT funds to the Mansfield State legislative delegation. My concerns were previously

described in Reference C and D letters. The primary questions to which I would appreciate answers are:

1. What guarantee does Mansfield have that the State will adhere to the new method (Min 32%) of delivering PILOT fund? The State had not complied with the previous formula.
2. Can the State be sued for noncompliance to Connecticut General Statutes (CGS)?
3. Is CGS 12-20a and 12-20b still in effect?
4. If answer to question 3 is "yes". Why the difference in PILOT between State and privately own Colleges?

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Naumec". The signature is written in black ink and is positioned above the printed name.

Charles R. Naumec

October 6, 2015

Charles R. Naumec  
52 Riverview Road  
Mansfield Center, CT 02650  
Tel: 860-450-1355  
E-mail: charles\_r\_naumec@sbcglobal.net

The Honorable Denise W. Merrill  
Office of the Secretary of the State  
State of Connecticut  
30 Trinity Street  
Hartford, CT 06106

Reference: A. Letter, Denise Merrill to Charles Naumec, Dated 9/24/2015  
B. Letter, Charles R. Naumec to The Honorable Denise W. Merrill, dated 9/9/2015  
C. Letter, Charles R. Naumec to The Honorable Denise W. Merrill, Dated 5/9/2015

Dear Secretary of the State,

I would like to thank you for responding to my two Referenced Letters.

My concern expressed in the two Referenced Letters is to not limit any qualified person's right to vote but to insure the tax paying residences of the Town of Mansfield (Town) are treated fairly. The existing Connecticut voter qualification laws are ambiguous and requires state action to correct this situation. For example, as I have previously reported, property owners in the Town not living in the Town are allowed to vote at the Registrar's Office on the financial questions but not the candidates. Why shouldn't the non-tax paying UConn students living in University housing be treated in a similar way by allowing them to vote on candidates and not Town financial items? At the Open Town Meeting voting on the budget is allowed by those registered to vote in the Town plus those individuals living in the Town over the age of 18 and showing property of a \$1000 or more upon which they pay taxes. Why should these individual be required to show they pay taxes on property?

The concern expressed relative to voting power lies in pure numbers. The number of UConn students living in University housing presents the larger voter base compared to the total number of Town residence of voter age. The UConn Daily Campus has been instrumental is advising students that they can vote using the Election Day Registration (EDR) process and not have to travel to vote.

An example of this voting power can be seen in the results of Question 2 of the November 4, 2014 Special and State Election. This Question addressed the approval of a \$9,000,000 appropriation for the Four Corners Sanitary Sewer Project. The question was approved by a total vote of 83. This places the burden of funding this project on the tax payers of the TOWN. Three out of the four Town districts voted the question down. Only District 1 (University District) voted the question "yes". If the 187 EDR "yes" votes and the 74 EDR "no" votes from District 1 are removed from the results, Question 2 would have not passed by 30 votes.

I don't believe the recommendation I made relative to having the UConn students, living in University housing, use absentee ballots to vote "would not meet constitutional criteria". The use of absentee ballots is an option to registering in your college town in response to a question on the Secretary of the State home page in response to "Voting Eligibility".

I will be forwarding a copy of your Reference A. Letter to the Mansfield legislative delegation for their review and action relative to The PILOT concerns and questions that I indicated in my Referenced two letters. I will also forward a copy of this letter.

Sincerely,



Charles R. Naumec



**DENISE W. MERRILL**  
SECRETARY OF THE STATE  
CONNECTICUT

September 24, 2015

Mr. Charles Naumec  
52 Riverview Rd  
Mansfield Center, CT 06250

Dear Mr. Naumec:

Thank you for sharing your thoughts with me about voting rights and students. Having spent many years in Mansfield, I understand the dynamic that concerns you. However, the right to vote is a fundamental right of all Americans regardless of whether their residence is permanent or temporary, or whether the individual does or does not own any property. The law is clear: no group of citizens are allowed to have more generous or more limited privileges than any other group of citizens. I'm sorry to say that the changes to Election Day registration that you suggest would not meet the constitutional criteria.

With respect to your concerns regarding PILOT funds, I suggest you contact the Mansfield legislative delegation, since they can have a direct impact on the development of policy and the state budget.

Sincerely,

A handwritten signature in cursive script that reads "Denise W. Merrill".

Denise W. Merrill  
Secretary of the State

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**TOWN OF MANSFIELD**  
**OFFICE OF THE TOWN MANAGER**

Matthew W. Hart, Town Manager

AUDREY P. BECK BUILDING  
 FOUR SOUTH EAGLEVILLE ROAD  
 MANSFIELD, CT 06268-2599  
 (860) 429-3336  
 Fax: (860) 429-6863

October 19, 2015

Anthony W. Kotula, Ph.D.  
 135 Maple Road  
 Mansfield, Connecticut 06268

Re: Proposed Acquisition of Lot 17 of Maplewoods Subdivision

Dear Mr. Kotula:

At the direction of the Town Council I recently referred your proposal that the Town seek to purchase the 14.5-acre parcel known as lot 17 located on Maple Road (parcel id 22.55.2-17) to Mansfield's Open Space Preservation Committee, for its review and consideration.

At its regular meeting held on September 15, 2015, the Open Space Committee reviewed the referral in Executive Session using the priority criteria contained in the Mansfield Plan of Conservation and Development (POCD). (This is the standard method that the Committee uses to evaluate any proposed acquisition.) Based on its review under that criteria, the Committee's opinion is that the conservation easement on Lot 17, protecting 12.5 of the 14.5 acres, provides adequate protection of the natural features of the subject property.

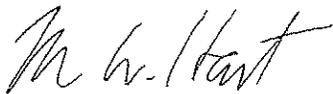
Furthermore, as part of Maplewoods subdivision application (PZC File #974-3), the Eastern Highlands Health District determined that the location of the septic tanks and wells indicated on the subdivision plans met the requirements of the Connecticut Public Health Code. Also, the Mansfield Inland Wetlands Agency (IWA) issued an Inland Wetlands license (File # W1164) for this subdivision in accordance with the Town's Inland Wetlands and Watercourses Regulations. The IWA approval letter states that the subdivision, as proposed, would cause no anticipated significant impact on the wetlands.

At its October 13, 2015 meeting, the Mansfield Town Council reviewed the Open Space Preservation Committee's comments in Executive Session. The Town Council concurred with Open Space Committee's recommendation and determined by consensus that it was not in the Town's best interest to attempt to acquire lot 17. In making this decision, the

Council was particularly influenced by the fact that 12.5 acres of the 14.5-acre parcel is protected by the existing conservation easement.

On behalf of the Town Council, I thank you for your interest in protecting Mansfield's natural resources.

Sincerely,

A handwritten signature in cursive script that reads "M. W. Hart".

Matthew W. Hart  
Town Manager

CC: Town Council  
Open Space Preservation Committee  
Linda Painter, Director of Planning and Development  
Jennifer Kaufman, Natural Resources and Sustainability Coordinator



**Mansfield Downtown Partnership**  
*Helping to Build Mansfield's Future*



October 6, 2015

Matthew Hart  
 Town of Mansfield  
 4 South Eagleville Road  
 Mansfield, CT 06268

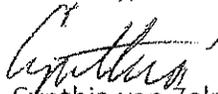
Dear Matthew,

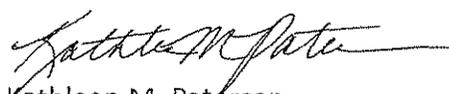
On behalf of the Mansfield Downtown Partnership, we would like to thank you for your assistance in preparing for the 12th Annual Celebrate Mansfield Festival. Your support made our event both possible and successful.

This year's event, our second on the Mansfield Town Square, was our largest to date! It was gratifying to see so many community members celebrating our town together and enjoying a variety of hands-on crafts, games, and activities, delicious food from Mansfield restaurants, and great performances by the E. O. Smith High School Band, UConn Marching Band, Kidsville Kuckoo Revue, Tuesday Saints, and Pearl and the Beard. Thank you for your involvement in producing a wonderful community event!

Thank you once again for participating in this year's Celebrate Mansfield Festival. We hope to see you downtown!

Sincerely,

  
 Cynthia van Zelm  
 Executive Director

  
 Kathleen M. Paterson  
 Communications and Special Projects Manager

*Thank you so much Matt!*

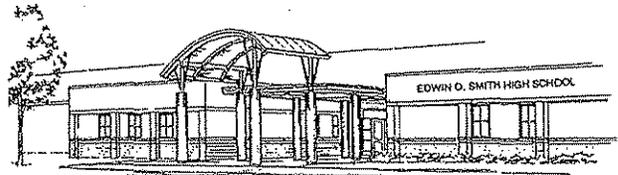
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**REGIONAL SCHOOL DISTRICT #19**

Office of the Superintendent

Memo



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To: Mike Zambo, Ashford First Selectman  
✓ Matt Hart, Mansfield Town Manager  
Christina Mailhos, Willington First Selectman

From: Bruce W. Silva, Superintendent, Regional School District #19

A handwritten signature in black ink, appearing to be "B. Silva".

Date: October 15, 2015

Subject: District/Municipal Budget Information Sharing Meeting

We would once again like to schedule a meeting for an informal discussion regarding district and municipal budget priorities, constraints and possible legislative actions. We would like to schedule this meeting for Tuesday, December 15<sup>th</sup> at 6:00 p.m. to be held in the library media center at E.O. Smith High School

As in the past we will invite district legislators to attend this meeting. If there are others you would like to invite, please feel free to do so.

Please contact us to let us know whether or not this date and time works for you.

Thank you!

c: C. Trahan, Business Manager

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**TOWN OF MANSFIELD**  
**Mansfield Advocates for Children**



*All Mansfield's children birth through eight are healthy successful learners connected to the community.*

MANSFIELD COMMUNITY PLAYGROUND COMMITTEE  
[www.mansfieldcommunityplayground.org](http://www.mansfieldcommunityplayground.org)

AUDREY P. BECK BUILDING  
 4 SOUTH EAGLEVILLE RD  
 MANSFIELD, CT 06268-2599

**PRESS RELEASE**  
 For Immediate Release  
 October 22, 2015

Contact: Maggie Ferron  
 Early Childhood Services Coordinator  
[ferronmb@mansfieldct.org](mailto:ferronmb@mansfieldct.org)  
 (860) 429-3338

**JEFFREY P. OSSEN FAMILY FOUNDATION COMMUNITY PLAYGROUND GRAND OPENING  
 AND RIBBON CUTTING**

MANSFIELD --- On Saturday, October 31st, at 10:00 a.m., the Jeffrey P. Ossen Family Foundation Community Playground will officially open with a grand opening and ribbon cutting ceremony. The newly-built playground is located behind the Mansfield Community Center at 10 South Eagleville Road. Please join us to play on the beautiful playground the community worked so hard to build! Children are encouraged to wear a costume that they can play in.

The playground was constructed over the weekend of October 10 and 11, 2015 by a group of volunteers that included students from E.O. Smith High School and UConn, local parents and grandparents, and contractors volunteering their expertise. Donations from Dog Lane Café, Starbucks, Subway, Domino's Pizza, Kellogg's, Village Springs Water, and the PTO/PTAs of Mansfield's elementary and middle schools contributed breakfast and lunch for the volunteers. T&B Motors sent their boom truck to put the finishing touches on the playground's castle. A slideshow and video of the community build will be available for viewing online in the coming days at [www.mansfieldcommunityplayground.org](http://www.mansfieldcommunityplayground.org).

At this time, workers are installing the fence, pouring the surfacing, and completing the site work. The final donor acknowledgment board will be installed in the coming months. The playground committee is still accepting donations and sponsorships of playground components to offset the cost of the playground and the



**TOWN OF MANSFIELD**  
**Mansfield Advocates for Children**

MANSFIELD COMMUNITY PLAYGROUND COMMITTEE  
[www.mansfieldcommunityplayground.org](http://www.mansfieldcommunityplayground.org)



*All Mansfield's children birth through eight  
are healthy successful learners connected to  
the community.*

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AUDREY P. BECK BUILDING  
4 SOUTH EAGLEVILLE RD  
MANSFIELD, CT 06268-2599

site preparation that was required. Anyone interested in volunteering or making such a donation may contact Maggie Ferron at [ferronmb@mansfieldct.org](mailto:ferronmb@mansfieldct.org) or 860 429-3338.



**Congratulations Mr. Hendricks!**

One of our Southeast own has attained a very prestigious honor! Mr. James Hendricks, a third grade teacher, has been a volunteer with the American Red Cross since May 2013. This summer he received the Connecticut and Rhode Island Region Disaster Services Volunteer of the Year award. Mr. Hendricks was selected from over 3,000 volunteers in Connecticut and Rhode Island.

He has been promoted five times in the Red Cross organization and now works on the Disaster Leadership Team as the Coordinator of Disaster Volunteers for over 300 disaster volunteers in Eastern Connecticut. He assists new volunteers with beginning their Red Cross "journey" and experienced volunteers with volunteer development and writing their own Red Cross "story." In late summer, he was promoted again to the local National Deployments Team and now recruits disaster volunteers from Connecticut and Rhode Island to deploy to disaster relief operations across the country. Mr. Hendricks has deployed 15 people since August to the wildfires in California, Typhoon Soudelor in Saipan, tornado and flood damage in Texas, and most recently to the 1,000 year flood in South Carolina.

Even though he devotes a lot of his time to these two areas, he also responds as a Disaster Action Team Leader and Supervisor-on-Call to home fires in our area to help families displaced from their homes and who have lost all of their belongings, installs free smoke detectors as part of the National Home Fire Prevention Campaign, is a Disaster Instructor helping to teach volunteers different skills to complete their volunteer jobs, and a Disaster Community Educator teaching adults and children about how they can prepare themselves for disasters. Amazingly, all of this happens during his "off" hours from being a teacher at Southeast. The Southeast Community would like to congratulate Mr. Hendricks on this spectacular distinction.

**Southeasters are on the Run!**

**Recess Mileage Club**

Mileage Club has begun for the fall and it is a huge success. We are grateful for the many parent volunteers who come to work and to support our runners. Mileage Club for First and Second Graders is on Mondays and Wednesdays at 12:30. Mileage Club for Third and Fourth Graders is on Tuesdays and Thursdays at 12:00. We are pleased with our participation and progress so far. Ask your child to show you their toe tokens!



**Southeast Running Club**

Southeast Running Club (for Third and Fourth graders) is off to a great start. We now have 75 members who choose to stay after school on Fridays and RUN! Big thanks to Katherine Davidson, Andrea Lennon and Diana Pelletier for their commitment to our Running Club. We are also grateful to our parent volunteers who also choose to come to school on Fridays and RUN!

The goal for students in Grade 1-4 is to complete 10 cards this school year.



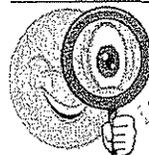
**CT Physical Fitness Assessment (CPFA)**

Physical fitness is an important component of Connecticut's overall education program goals. The emphasis of the CPFA is on health related fitness, which focuses on reducing the risk of injury and disease. The test items are: back-saver sit and reach, curl-ups, right-angle push-ups, and a one-mile run/walk. All students in Grades 3 & 4 will be tested.

If you have any questions or concerns about the CPFA, please contact Betsy Parker, Physical Education Teacher as soon as possible by phone 860-423-1611 ext. 7658 or email at parkerb@mansfieldct.org.



**Notes to Teachers**



When sending notes to teachers for parent pick-up, etc. please make sure that the paper you write the note on is large enough to be found by the teacher. Tiny scraps of paper are often overlooked or get lost.



Thank you for all the Box Tops and Labels for education.

Keep them coming!

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Oct, 12, 2015

Mayor Elizabeth C. Paterson  
Town of Mansfield  
Audrey P. Beck Building  
4 South Eagleville Road  
Mansfield, CT 06268

Dear Mayor Paterson,

On behalf of the Tolland 300<sup>th</sup> Anniversary Committee, I am writing to thank you, the town council and the Town of Mansfield very much for sending us a proclamation marking this important milestone in our history.

We were pleasantly surprised to receive the proclamation, and we very impressed with how much time you took to research our history and the aspects of Tolland that make us special. It was very neighborly of you. You are the only leaders of a surrounding town who took the time to honor us with a proclamation.

Our celebration began May 12 on our actual anniversary, and it concluded with a bang on Sept. 19, when we held a large parade and festive picnic. Your town was well represented by the University of Connecticut marching band, cheerleaders and Jonathan the Husky. They thrilled people of all ages who watched them march, play and cheer in our parade.

We estimate that 4,000 people attended the parade and 4,000 people attended the picnic and Celebrate Tolland festival – making the day's celebration the largest gathering in Tolland history.

Thank you once again for taking the time to honor the Town of Tolland in such a classy fashion.

Sincerely,

A handwritten signature in cursive script that reads "Kate Farrish".

Kate Farrish  
Secretary, Tolland 300<sup>th</sup> Anniversary Committee  
21 Tolland Green  
Tolland, CT 06084

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**Dannel P. Malloy**  
GOVERNOR  
STATE OF CONNECTICUT

October 16, 2015

Matthew W. Hart, Town Manager  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268

Dear Mr. Hart:

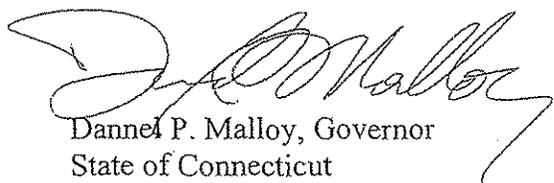
We are pleased to inform you that your proposed acquisition of the Meadowbrook Lane in the Town of Mansfield was approved for funding under the State of Connecticut's Open Space and Watershed Land Acquisition Program.

The Open Space and Watershed Land Acquisition Program is administered by the Department of Energy and Environmental Protection (DEEP). Your application has been reviewed and approved for an amount not to exceed \$243,750. You will receive written instructions and background materials from DEEP on the next steps in the grant award process shortly.

The final grant award will be based on verification of all material facts contained in the grant application and execution of an Open Space and Watershed Land Acquisition Grant Agreement, containing such terms as are acceptable to the Commissioner, in his sole discretion, and which conform to requirements of Section 7-131d of the General Statutes.

We look forward to partnering with you to preserve this important and valuable open space parcel. The Open Space and Watershed Land Acquisition Program ensures that the quality of life and natural resources we all enjoy will be protected now and for future generations. If you have any questions, please call David Stygar at the DEEP Office of Constituent Affairs/Land Management at (860) 424-3016.

Sincerely,

  
Dannel P. Malloy, Governor  
State of Connecticut

  
Robert J. Klee, Commissioner  
Department of Energy & Environmental Protection

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October 13, 2015

Dear UConn Water System Users:

The University of Connecticut is lifting the Stage II Water Supply Watch that was issued when area streamflows were reduced by seasonally dry conditions. **We remain in a Stage IB Water Supply Advisory and request continued voluntary water conservation.**

The recent rainfall has partially restored streamflow in the rivers near our wellfields. However, streamflows have not fully recovered to what is expected this time of year. We expect to remain in a period of water conservation until we're confident that streamflows will be sustained.

We are asking our students, faculty, staff and our off campus municipal, commercial, and residential users to be conscientious of their daily water use and to conserve water voluntarily by:

- ✓ Take short showers. Turn off the water flow while soaping or shampooing.
- ✓ Use the appropriate water level or load size selection on the washing machine.
- ✓ Use water only as needed when washing dishes, shaving, and brushing teeth. Don't let the faucet run unnecessarily.
- ✓ Run dishwashers only when completely full.
- ✓ Public water should not be used to wash building exteriors, driveways, sidewalks or vehicles.
- ✓ Reconsider pouring water down the drain when there may be another use for it -such as watering a plant or garden.
- ✓ Immediately report any leaky fixtures in UConn buildings to Facilities Operations (486-3113).

Thank you for your support and cooperation throughout our period of water conservation. Even though we are rescinding the Stage II Water Supply Watch, we remain in a Stage IB Water Supply Advisory. We encourage you to continue conserving water. UConn is actively monitoring conditions and will continue to provide updates as conditions change.

Sincerely,

Stanley L. Nolan

Director of Utility Operations and Energy Management

Office of the Executive Vice President for  
Administration and Chief Financial Officer  
Facilities Operations & Building Services  
25 LEDOYT ROAD, UNIT 3252  
STORRS, CT 06269-3252  
www.uconn.edu

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